

**IN THE UNITED STATES COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSE MALDONADO,

Plaintiff

v.

JOSHUA A. FILUTZE,

Defendant

NO. 1:23-cv-68

JURY TRIAL DEMANDED

DEFENDANT’S SUPPLEMENT TO MOTION TO DISMISS [ECF 5]

AND NOW, comes the Defendant, Joshua A. Filutze, and in further support of the previously filed Motion to Dismiss [ECF 5], avers as follows.

1. At the time of oral argument on the Defendant’s Motion to Dismiss, the Court requested that the Defendant submit the Ring Doorbell videos referenced in the Defendant’s Motion and also discussed at the time of argument. Accordingly, this supplement is being made pursuant to the Court’s request at that time.

2. Attached please find and marked as Exhibit D the Affidavit of Inspector Chris Janus with respect to the Ring Doorbell videos.

3. As can be seen in the Affidavit, the reported victim, Wanda Lamberty, submitted three videos to the Erie Police Department via Axon’s evidence.com Citizen Portal. However, two of the videos submitted were identical/duplicative.

4. The Ring Doorbell videos and the Affidavit of Inspector Janus have been produced to the Plaintiff’s attorney simultaneously with the filing of this Supplement.

5. In addition, per the Court’s Order [ECF 18], the Defendant has produced the “police investigation file regarding the arrest of Plaintiff and the doorbell surveillance recording

reviewed by the Defendant as part of his pre-arrest investigation.” That discovery was produced on September 15, 2023.

6. The Ring Doorbell videos in question (Exhibit E) will be delivered to the Clerk of Courts for the U.S. District Court for the Western District of Pennsylvania on September 15, 2023, for docketing in this matter.

Respectfully submitted,

MARSHALL DENNEHEY, P.C.

By 

Patrick M. Carey, Esquire
717 State Street, Suite 701
Erie, PA 16501
(814) 480-7800

**IN THE UNITED STATES COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSE MALDONADO,

Plaintiff

v.

JOSHUA A. FILUTZE,

Defendant

NO. 1:23-cv-68

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Defendant's Supplement to Motion to Dismiss was duly served on all counsel of record and unrepresented parties on the 15th day of September, 2023, electronically, courthouse box or by mailing same to them at their designated offices by first class United States mail, postage prepaid.

Timothy D. McNair, Esquire
821 State Street
Erie, PA 16501
Attorney for Plaintiff

MARSHALL DENNEHEY, P.C.

By 
Patrick M. Carey, Esquire